UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11CV367-RJC

TERRY GILMORE,)
Petitioner,)
v.	ORDER
DENNIS DANIELS,)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's Motion to Proceed In Forma Pauperis (Doc. No. 1-2).

Petitioner is seeking permission to proceed with his Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Doc. No. 1) without having to pay the \$5.00 filing fee required by 28 U.S.C. § 1914(a). Petitioner's Application indicates that he earns approximately \$7.00 per week from his prison job. In support of his Application, Petitioner included a copy of his certified inmate trust account statement which reflects deposits, in addition to his deposits from his prison job, totaling \$535.00 between December 2010 and June 2011. As of June 28, 2011, the balance in his trust account was \$530.04. (Doc. No. 1-2 at 4). Based on Petitioner's trust account statement, it is clear that he has sufficient resources from which to pay the \$5.00 filing fee for this matter. Accordingly, Petitioner's Application will be denied. Petitioner must pay the \$5.00 filing fee within twenty (20) days from the date of this Order. Failure to pay the \$5.00 filing fee within this time may result in dismissal of this action.

IT IS THEREFORE, ORDERED that:

- (1) Petitioner's Motion to Proceed In Forma Pauperis (Doc. No. 1-2) is **DENIED**;
- (2) No later than twenty (20) days from the filing of this Order, Petitioner shall remit his \$5.00 filing fee to the Court. Failure to pay the \$5.00 filing fee within twenty (20) days may result in dismissal of this action;

Signed: August 2, 2011

Robert J. Conrad, Jr.

Chief United States District Judge